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3 **So Ordered.**



Patricia C. Williams
Patricia C. Williams
Bankruptcy Judge

4 **Dated: May 8th, 2013**

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7
8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF WASHINGTON

10 In re:)
11 LLS AMERICA, LLC,) US District Case No. 12-CV-445-RMP
12 Debtor.) Bankruptcy No. 09-06194-PCW11
13)
14 BRUCE P. KRIEGMAN, solely in)
15 his capacity as court-appointed)
16 Chapter 11 Trustee for LLS America,)
17 LLC,)
18 Plaintiff,) Adv. No. 11-80196-PCW
19 vs.)
20 OLD ORCHARD CAMPGROUND,)
21 Defendant.)
22)
23)
24)
25)
26)
27)
28)

21 The Honorable Patricia C. Williams, sitting in the United States Bankruptcy Court
22 for the Eastern District of Washington, hereby files this Report and Recommendation
23 regarding plaintiff's Motion for Default Judgment (ECF No. 34) filed with the
24 bankruptcy court in this adversary proceeding.

25 This Report and Recommendation is made pursuant to the Honorable Rosanna
26 Malouf Peterson's Order Withdrawing the Reference and Referring to Bankruptcy Court
27 for Further Proceedings entered on July 10, 2012 (ECF No. 2) in district court case No.
28 12-CV-00445-RMP.

1 The Recommendation is that plaintiff's Motion for Default Judgment (ECF No.
2 34) be granted and the attached Default Judgment be entered in this adversary
3 proceeding. The basis for this recommendation is that a Clerk's Order of Default was
4 entered by the District Court on October 12, 2012 (ECF No. 14).

5
6 /// END OF REPORT AND RECOMMENDATION ///

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In Re:

LLS AMERICA, LLC,

Debtor.

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America LLC,

Plaintiff,

v.

OLD ORCHARD CAMPGROUND,

Defendant.

US District Case No. 12-CV-445-RMP

Bankruptcy No. 09-06194-PCW11

Adversary No. 11-80196 -PCW 11

DEFAULT JUDGMENT

This Court having previously entered an Order of Default against Defendant Old Orchard Campground (Ct. Rec. 14), and having reviewed the previously filed Memorandum of Authorities (Ct. Rec. 12), and the Affidavits of Curtis Frye and Daniel J. Gibbons in Support of Plaintiff's Motion for Default Judgment filed herewith, and being fully advised in the premises,

DEFAULT JUDGMENT- 1

{S0685344; 1 }



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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff,
2 Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11 Trustee for LLS
3 America, LLC, shall have a judgment against the Defendant Old Orchard Campground,
4 as follows:

5 1. Monetary Judgment in the amount of CAD \$103,752.33, pursuant to 11
6 U.S.C. § 550 and RCW 19.40.071;

7
8 2. Transfers in the amount of CAD \$103,752.33 made to the Defendant
9 within four years prior to the Petition Filing Date are hereby avoided and Plaintiff
10 may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544,
11 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071;

12
13 3. All said transfers to Defendant Old Orchard Campground are hereby
14 set aside and Plaintiff shall be entitled to recover the same, or the value thereof,
15 from Defendant Old Orchard Campground for the benefit of the estate of LLS
16 America, pursuant to 11 U.S.C. §§ 544, 550 and 551;

17
18 4. All proofs of claim of the Defendant which have been filed or
19 brought or which may hereafter be filed or brought by, on behalf of, or for the
20 benefit of Defendant Old Orchard Campground or its affiliated entities, against
21 the Debtor's estate, in this bankruptcy or related bankruptcy proceedings, are
22 hereby disallowed and subordinated to the monetary judgment granted herein and
23 Defendant Old Orchard Campground shall not be entitled to collect on its proof of
24 claim (Claim No. 425-1) until the monetary judgment is satisfied by Defendant
25 Old Orchard Campground in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and
26 105(a);
27
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DEFAULT JUDGMENT- 2

{S0685344; 1 }



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